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WILLIAMSPORT, PA

APR 8 - 2002

MARY E. D'ANDREA, CLERK
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Deputy Clerk

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL NORWOOD, :
Plaintiff :
 :
v. : Civil No. 1:CV-01-1005
 : (Caldwell, J.)
DONALD ROMINE, Warden, : (Smyser, M.J.)
Defendant :

ANSWER

Defendant Romine hereby submits the following answer to
plaintiff's amended complaint:

I. Jurisdiction

Contains legal conclusions, therefore no answer is required;
to the extent deemed factual, however, DENIED.

II. Plaintiff

ADMITTED.

III. Defendant

ADMITTED to the extent that defendant Romine was the Warden
at USP Lewisburg from August 31, 1998, to December 1, 2001, and
was responsible for overall operation of the institution.

IV. Facts

1. ADMITTED that plaintiff filed an administrative remedy
requesting placement in the Bureau of Prisons' religious diet
program. DENIED that dietary laws of the Nation of Islam cannot

be satisfied without placement on the religious diet. ADMITTED that plaintiff alleged in his appeal that using utensils which had previously been used to serve pork violated the dietary laws of the Nation of Islam. DENIED that the use of these utensils is a violation of Nation of Islam dietary law. The remainder of the paragraph is ADMITTED.

2. Cannot admit or deny plaintiff's "awareness." DENIED that placement on the religious diet program was based on specific religious group affiliation of the inmate. Based upon the stated need of each individual, a determination is made by institution Religious Services staff as how to efficiently meet that religious dietary need.

3. ADMITTED.

4. DENIED. USP Lewisburg has appropriate kosher/halal washing facilities in the religious diet preparation area.

V. Legal Claim

Contains legal conclusions, therefore no answer is required; to the extent deemed factual, however, DENIED.

VI. Cause of Action

Contains legal conclusions, therefore no answer is required; to the extent deemed factual, however, DENIED.

VII. Relief

1. ADMITTED to the extent this paragraph purports to state the relief plaintiff seeks; to the extent deemed factual,

however, DENIED.

2. ADMITTED to the extent this paragraph purports to state the relief plaintiff seeks; to the extent deemed factual, however, DENIED.

3. ADMITTED to the extent this paragraph purports to state the relief plaintiff seeks; to the extent deemed factual, however, DENIED.

4. ADMITTED to the extent this paragraph purports to state the relief plaintiff seeks; to the extent deemed factual, however, DENIED.

5. ADMITTED to the extent this paragraph purports to state the relief plaintiff seeks; to the extent deemed factual, however, DENIED.

FIRST DEFENSE

The amended complaint, in whole or in part, fails to state a claim.

SECOND DEFENSE

Defendant is entitled to qualified immunity.

Third Defense

Plaintiff's request for injunctive relief are moot.

Fourth Defense

Defendant is entitled to an entry of judgment in his favor as the doctrine of respondeat superior cannot form the basis of a Bivens claim.

Wherefore, defendant requests this Court to enter judgment in his favor and against plaintiff.

Respectfully submitted,

MARTIN C. CARLSON
United States Attorney

 *Joseph J. Terz* *AMSA*

JOSEPH J. TERZ
Assistant U.S. Attorney
MICHELE LINCALIS
Paralegal Specialist
316 Federal Building
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Williamsport, PA 17701-6465

Date: April 8, 2002

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL NORWOOD,	:	
Plaintiff	:	
	:	
v.	:	Civil No. 1:CV-01-1005
	:	(Caldwell, J.)
DONALD ROMINE, Warden,	:	(Smyser, M.J.)
Defendant	:	

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

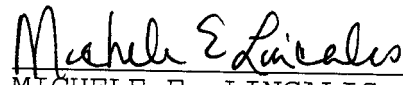
That on April 8, 2002, she served a copy of the attached

ANSWER

by placing said copies in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

Michael Norwood
Reg. No. 06970-014
U.S. Penitentiary
P.O. Box 1000
Lewisburg, PA 17837


MICHELE E. LINCALIS
Paralegal Specialist